

**Question for written answer E-003498/2022
to the Commission**

Rule 138

Andreas Schwab (PPE), **Tomislav Sokol** (PPE), **Stéphanie Yon-Courtin** (Renew), **Paul Tang** (S&D), **René Repasi** (S&D)

Subject: Ex post enforcement of competition law in the EU digital market

The EU competition rules have always worked well to protect competition in the internal market. They have constantly improved and promptly reacted to various challenges in different sectors by examining the specific characteristics and concerns raised on a case-by-case basis.

However, in digital sectors, the specific characteristics of platforms, ecosystems and data economy have led the EU legislator to intervene with a regulatory ex ante instrument that is able to react faster to market distortions. This instrument, the Digital Markets Act (DMA), will enter into force next year.

Despite the implementation of the DMA being a great achievement, competition rules still need to ensure that competition in digital markets is protected effectively. However, the length of antitrust proceedings undermines the ex post enforcement of competition law and can sometimes even cause enduring damage to the market.

1. How will the Commission ensure that Articles 101-102 of the Treaty on the Functioning of the European Union are still enforced in digital markets?
2. Given that some of the potential solutions are already envisaged in the DMA, why are decisions still pending in some antitrust cases opened several years ago, such as the Apple-Spotify case¹?

¹ AT.40437 – Apple – App Store Practices (music streaming)